

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

R. ALEXANDER ACOSTA, SECRETARY
OF LABOR, UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

v.

Civil Action No. 2:16-cv-03491

TEAM ENVIRONMENTAL, LLC,

Defendant.

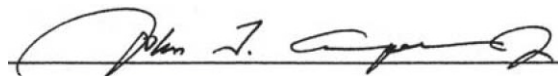
ORDER

The parties, by counsel, convened with the court on January 4, 2018, for a telephonic status conference. During the conference, the court discussed defendant's ultimately unsuccessful motion to stay, in which defendant claimed that this action should be stayed pending the Supreme Court's grant or denial of the petition for a writ of certiorari in E.I. DuPont de Nemours & Co. v. Smiley, docket number 16-1189. Although defendant's motion to stay was denied on the grounds that Smiley had no relation to the then-instant issue of defendant's liability that was the focus of plaintiff's motion for partial summary judgment, the court is mindful that Smiley, if taken up for review, may bear upon the final calculation of damages in this action.

Accordingly, it is ORDERED that the final settlement conference and the trial in this action, scheduled for January 8 and 9, 2018, respectively, be, and hereby are, continued generally. The court will enter a new schedule for this action at a time after the Smiley contingency comes to fruition.

The Clerk is directed to forward copies of this order to all counsel of record and to any unrepresented parties.

ENTER: January 5, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge